

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
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YEMISI AKINYEMI,

Plaintiff, :  
07 Civ. 4048 (AJP)

-against-

**ORDER**

MICHAEL CHERTOFF, Secretary,  
Department of Homeland Security,

Defendant.

**ANDREW J. PECK, United States Magistrate Judge:**

Plaintiff Akinyemi's Motion for Reconsideration (Dkt. No. 54) is DENIED.<sup>1/</sup>

As to whether Akinyemi's and Gluba's conduct are sufficiently similar, Akinyemi argues that that should be a jury question. As the cases cited in the Court's Opinion made clear, see 2008 WL 1849002 at \*5, where there is no objectively identifiable basis for comparison, summary judgment is appropriate.

As to the nine unnamed comparators, Akinyemi now has submitted some evidence as to race of terminated CBP officers – but the numbers do not match up (e.g., the new information gives the race of five terminated probationary CBP officers, while the unnamed comparators at issue

<sup>1/</sup> The Court notes that Akinyemi's counsel failed to provide a courtesy copy of the motion to me. This should not happen again.

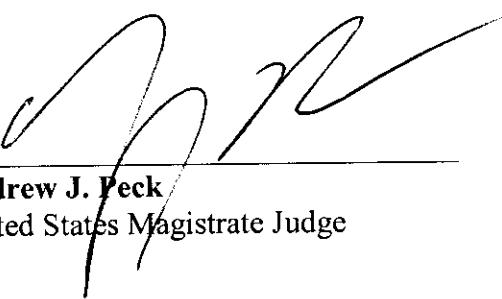
on the summary judgment motion were nine – the numbers do not correspond. Moreover, it was up to Akinyemi to produce information as to these alleged comparators at the time of the summary judgment motion, not after.

Accordingly, Akinyemi's Motion for Reconsideration (Dkt. No. 54) is DENIED.

Moreover, plaintiff's May 8, 2008 letter request for an extension for filing the Proposed Joint Pretrial Order is DENIED. (The Court will consider extending the deadline in the future only if the parties are able to represent that they are close to reaching settlement of this case.)

SO ORDERED.

Dated: New York, New York  
May 8, 2008



Andrew J. Peck  
United States Magistrate Judge

Copies by fax & ECF to: K. C. Okoli, Esq.  
John D. Clopper, Esq.